



14 JUL 2006

James L. Cordek
P.O. Box 88940
St. Louis, MO 63188

In re Application of :
WORRALL *et al* :
U.S. Application No.: 10/521,145 :
PCT No.: PCT/US2003/022844 :
Int. Filing Date: 22 July 2003 :
Priority Date: 22 July 2002 :
Attorney Docket No.: SP-1307-PCT US :
For: FOOD COATING COMPOSITION AND :
METHOD OF MAKING SAME :

DECISION

This is a decision on the papers filed 09 June 2006 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 11 April 2006, a decision dismissing applicant's petition under 37 CFR 1.47(a) was mailed. Petitioners were given two-months to respond.

On 09 June 2006, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor, Thomas R. Katan.

DISCUSSION

The 37 CFR 1.47(a) applicants responded to the 23 June 2005 decision by providing a declaration executed by the nonsigning joint inventor. However, a review of the declaration shows that it is not in compliance with 37 CFR 1.497(a)(3).

The declaration signed by Mr. Katan is defective in that it lists only one inventor while the international publication ("WO 2004/008873") shows that there are three inventors for PCT/US2003/022844.

The declaration signed by each inventor must list the proper inventive entity.

CONCLUSION

For the reason discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302